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**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

WESTFIELD INSURANCE COMPANY, )  
                                    )  
                                    )  
                                   *Plaintiff,*     )  
                                    )  
                                    )  
                                   v.                         ) Case No.: 1:23-cv-02607  
                                    )  
                                    )  
TOTAL FACILITY MAINTENANCE, INC., and THE )  
BOARD OF EDUCATION OF THE CITY OF         )  
CHICAGO,    )  
  )  
   *Defendants.*     )

**MOTION TO DISMISS DEFENDANT  
THE BOARD OF EDUCATION OF THE CITY OF CHICAGO**

NOW COMES Plaintiff, Westfield Insurance Company, by its attorneys, Lindsay, Pickett & Postel, LLC, and pursuant to Rule 21 of the Federal Rules of Civil Procedure, moves this Honorable Court to dismiss Defendant The Board of Education of the City of Chicago (“the Board”), and in support hereof, the Plaintiff states the following:

1.       Westfield filed its complaint for declaratory judgment on April 26, 2023, naming the Board as a defendant because it is a necessary but nominal party to this lawsuit under Illinois law (Doc. 1).
2.       The Board filed its appearance on May 8, 2023 (Doc. 7).
3.       Westfield and the Board have entered into a stipulation whereby the Board stipulated to be bound by the decision of this Court with respect to the Complaint’s sole count brought against TFM. A copy of the signed stipulation is attached hereto as **Exhibit A**.
4.       Pursuant to the stipulation, Westfield agreed to dismiss the Board from this action without prejudice.

5. Rule 21 of the Federal Rules of Civil Procedure provides, in part, that “[o]n motion or on its own, the court may at any time, on just terms, add or drop a party.” FRCP 21.

6. Dismissal of the Board will not affect diversity jurisdiction between Westfield and the remaining defendant Total Maintenance Facility, Inc.

WHEREFORE, the Plaintiff, Westfield Insurance Company, moves this Court to dismiss The Board of Education for the City of Chicago from this action, without prejudice and with each party to bear its own costs, pursuant to FRCP 21.

Respectfully submitted,

WESTFIELD INSURANCE COMPANY

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